

REMARKS

Claims 1, 3-6 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, because of insufficient basis for "said signals" in Claims 1 and 6. Applicant has amended Claims 1 and 6 to add the antecedent basis by adding "signals" on line 2 of the preamble of Claim 1 and "transmitting signals over separate corresponding plurality of channels to corresponding speakers in a receiving location" to lines 4 and 5 and "transmitting" to line 16 of Claim 6. With the acceptance of this amendment, the rejection under 35 U.S.C. 112, second paragraph, is deemed to be overcome.

Claims 1, 2-6, 8-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by the inventor's own article that was published after applicant's provisional filing date of March 3, 1998. A preliminary amendment was sent with the filing of the non-provisional amending the application by claiming the priority of the provisional application number 60/076,575, filed 3/03/98. A copy of this preliminary amendment together with a copy of the filing receipt also showing the continuing data as claimed by the applicant. The rejection under this new ground of rejection is deemed to be overcome.

This amendment should be entered at least for purposes of appeal since it limits the issues on appeal and in the interest of justice. This application should have been processed and issued long before this date. The fact of the provisional filing date was clearly of record in the patent office and the rejection of some of the claims because of minor insufficient antecedent basis could have been handled by a telephone interview and examiner's amendment. This case was responded to over two years ago (June 10, 2002) with an amendment. The applicant does not understand why any return final rejection

response (October 13, 2004) is this case is over two years later. The delay in the prosecution has delayed the applicant's right to a patent for over two years.

Applicant respectfully requests an early notice of allowance of Claims 1, 2-6, 8-10, 12 and 13 so that justice is done on the premises.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert L. Troike".

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